IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6922 of 2007()

CRIME NO. 751/07 OF PANANGAD POLICE STATION

PETITIONERS : ACCUSED:

---

1. RAPHEAL, S/O.RAPHEAL, KARUKAYIL HOUSE, THYKOODAM, VYTTILA P.O., ERNAKULAM.

2. ALBERT ANTONY, S/O.RAPHEAL, KARUKAYIL HOUSE, THYKOODAM, VYTTILA P.O.,ERNAKULAM

3. SUNITHA, W/O.ALBERT ANTONY, KARUKAYIL HOUSE, THYKOODAM, VYTTILA P.O.,ERNAKULAM

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT/STATE;

---

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER, PANANGAD POLICE STATION, PANANGAD.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 6922 of 2007

- -

Dated this the 14th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are the father-in-law, brother-in-law and the wife of the brother-in-law of the defacto complainant. The husband of the defacto complainant is no more.

2. The crux of the allegations is that the petitioners/ relatives of the deceased husband are guilty of matrimonial cruelty of the culpable variety against the defacto complainant. She has one child in her deceased husband. Crime has been registered on the basis of the F.I. statement lodged by the defacto complainant. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners submits that the allegations are totally false. There are property disputes between the defacto complainant and the petitioners. Only to vex and harass them such allegations are being raised of matrimonial

cruelty. The defacto complainant resides separately and there is no occasion for any cruelty being committed by the petitioners against her. In these circumstances anticipatory bail may be granted to the petitioners, it is prayed.

3. The learned Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners, subject to appropriate terms and conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 21.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 22.11.07 and 23.11.2007 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 21.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 21.11.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 21.11.2007.

(R. BASANT)
Judge

tm